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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/899,655	07/05/2001	Kiyotaka Kodama	B422-164	7716

26272 7590 03/09/2005

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EXAMINER

RHODE JR, ROBERT E

ART UNIT	PAPER NUMBER
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3625

DATE MAILED: 03/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/899,655

Applicant(s)

KODAMA ET AL.

Examiner

Rob Rhode

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2/5/2005.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

Applicant amendment of 12-20-04 amended claim 13 and canceled claims 1 – 12 and 14 - 19 as well as traversed rejections of Claim 13.

Currently, claim 13 is pending.

Information Disclosure Statement

The information disclosure statement filed 12-20-04 fails to comply with 37 CFR 1.98(a)(3) because it does not include a concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information, of each patent listed that is not in the English language. It has been placed in the application file, but the information referred to therein has not been considered.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 13 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. For example and this could be translation, the “picking up” is so broad that “picking up” can as was interpreted as the picking up of the item, which is

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paid to be delivered to another point. Moreover, the applicant in the third paragraph recites "picking up" the item from a recycling center as well as a user and a requestor, which further complicates interpreting and determining the metes and bounds of the claims. In this instant, is the user the requestor or is another entity or another apparatus? If so, requestor lacks antecedent basis. Moreover, in the same paragraph, is the recycling center outputting to the user or the requestor? Therefore, the current wording and structure of the claim make claim interpretation almost impossible and thereby too prohibits reasonably determining the metes and bounds of the claim.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yamada (US 6,336,100 B1) in view of Roman (US 2002/0010634 A1).

Claim 13 (Currently amended): Yamada teaches a network system in which a user apparatus, a company apparatus and a recycling center apparatus are interconnected through a network, wherein:
said user apparatus comprises request designating means for designating

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request for picking-up including a method of paying a charge for the picking-up of a secondhand item; place designating means for designating a place where the picking-up of the secondhand item is performed; and communication means for notifying the request content, designated by said request designating means, including the method of paying the charge for the picking-up of the secondhand item and the place desired by said place designating means to said company apparatus through said network (Abstract, Col 1, lines 23 -45, Col 3, lines 1 – 5 and Figures 1 and 9 - 10); Please note that in a reasonably broad interpretation of “picking-up”, the method of Yamada teaches a charge for “picking up” and delivering an item. Thereby, the method of Yamada discloses a “paying a charge for picking up” the item (figure 9) and delivering. Note also that word “secondhand” is given little patentable weight. Online methods and systems such as a “secondhand” for identifying, detecting and providing product, service and/or content that a kind/type including such specifics as “secondhand” is given little patentable weight. The word is given little patentable weight because the claim language limitation is considered to be non-functional descriptive material, which does not patentably distinguish the applicant’s invention from Yamada. Thereby, the non-fictional descriptive material is directed only to the type of item or product (i.e. secondhand) and therefore does not affect either the structure or method/process of Yamada, which leaves the method and system unchanged.

said company apparatus comprises input means for inputting the request content including the method of paying the charge for the picking-up of the secondhand item

and the place where the picking-up of the secondhand item is performed from said user apparatus through said network (Figures 9 and 10);

output means for outputting information regarding a pick-up date of the secondhand item to said user apparatus through said network to inform a requester of the pick-up date of the secondhand item; and completion information acquiring means for acquiring information regarding completion of said picking-up of the secondhand item from said recycling center apparatus through said network; and payment processing means for executing a payment process based on the method of paying the charge for the picking-up of the secondhand item input by said input means, in response to the notification of the completion information acquired from said completion information acquiring means (Col 3, lines 6 – 65 and Figures 1, 2 and 9 – 10).

However, Yamada does not specifically disclose and teach said recycling center apparatus comprises notifying means for informing said company apparatus of the intonation regarding the completion of said pick-up of the secondhand item after said the completion of the picking-up of the secondhand item.

On the other hand, Roman teaches said recycling center apparatus comprises notifying means for informing said company apparatus of the information regarding the completion of said pick-up of the secondhand item after said the completion of the picking-up of the secondhand item (see a least Para 0022).

It would have been obvious to one of ordinary skill in the art to have provided the apparatuses of Yamada with the apparatus of Roman to have enabled said recycling center apparatus comprises notifying means for informing said company apparatus of the information regarding the completion of said pick-up of the secondhand item after said the completion of the picking-up of the secondhand item. Yamada discloses a user apparatus and company apparatus for inputting a request from the user for paying for the picking up of an item in order to have it delivered to a different place (Col 3, lines 6 -48 and Figures 1, 9 and 10). Roman discloses said recycling center apparatus comprises notifying means for informing said company apparatus of the information regarding the completion of said pick-up of the secondhand item after said the completion of the picking-up of the secondhand item (see at least Para 0022). Therefore, one of ordinary skill in the art would have been motivated to extend the apparatuses of Yamada with the apparatus of Roman for said recycling center apparatus comprises notifying means for informing said company apparatus of the information regarding the completion of said pick-up of the secondhand item after said the completion of the picking-up of the secondhand item. In this manner, the user will be able to have items picked up, which will save the user time and cost that normally would have been spent traveling a further distance to pick up the item.

Response to Arguments

Applicant's arguments with respect to claim 13 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Rob Rhode** whose telephone number is **(703) 305-8230**. The examiner can normally be reached Monday thru Friday 8:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Wynn Coggins** can be reached on **(703) 308-1344**.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Receptionist** whose telephone number is **(703) 308-1113**.

Any response to this action should be mailed to:

Commissioner for Patents

P.O. Box 1450

Alexandria, Va. 22313-1450

or faxed to:

(703) 872-9306 [Official communications; including
After Final communications labeled
"Box AF"]

(703) 746-7418 [Informal/Draft communications, labeled
"PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA, 7th floor receptionist.

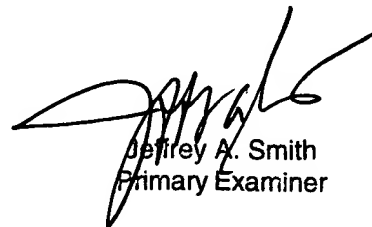
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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

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RER



Jeffrey A. Smith
Primary Examiner